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IN THE

Supreme Court of the United States

OCTOBER TERM, 1995

UNITED STATES OF AMERICA,
Petitioner,

vs.

COMMONWEALTH OF VIRGINIA, et al.,
Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

BRIEF OF *AMICUS CURIAE* LIEUTENANT COLONEL RHONDA CORNUM, USA; BRIGADIER GENERAL EVELYN P. FOOTE, USA (RET.); CAPTAIN PATRICIA MURPHY GORMLEY, JAG, USN (RET.); KRISTINE HOLDERIED; MAJOR ANDREA HOLLEN, USA (RET.); MAJOR GENERAL JEANNE HOLM, USAF (RET.); MAJOR PAT WALKER LOCKE, USA (RET.); DANNA MALLER; MAJOR LILLIAN A. PFLUKE, USA (RET.); LIEUTENANT JULIE M. ROBERTS, SC, USNR; MAJOR ALISON RUTTENBERG, COANG; MARY ROSINSKI WHITLEY; BRIGADIER GENERAL ROGER C. BULTMAN, USA (RET.); DR. MARGARETHE CAMMEMEYER; CAPTAIN (SEL.) EILEEN L. O'HICKEY, CHC, USN; LIEUTENANT COLONEL KAREN JOHNSON, USAF (RET.); MAJOR JANE McKEON, USA; MAJOR MARY A. FINCH, USA; AND WOMEN ACTIVE IN OUR NATION'S DEFENSE, THEIR ADVOCATES AND SUPPORTERS (WANDAS) IN SUPPORT OF THE PETITION OF THE UNITED STATES

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TABLE OF CONTENTS

	Page
INTEREST OF AMICI	2
SUMMARY OF ARGUMENT	2
ARGUMENT	3
I. THE SUCCESS OF WOMEN IN THE MILITARY INVALIDATES THE STEREOTYPES RELIED ON BY THE FOURTH CIRCUIT	5
II. WOMEN WILL NOT "DESTROY" THE VMI EXPERIENCE	10
A. VMI's Use of Hazing As an Educational Tool Cannot Justify the Exclusion of Women	11
B. Creating Parallel Physical Fitness Requirements Will Not Destroy the Cadet Experience	13
C. Provisions for Some Degree of Privacy Could be Made Without Detriment to the Adversative Methodology	14
D. VMI's Apprehension Concerning the Effects of Cross-Sex Relationships is Specious	14
E. VMI Has Changed and Accommodated New Student Populations With Which the Admission of Women is Consistent	15
III. VWIL FAILS TO PROVIDE WOMEN AN EDUCATIONAL OPPORTUNITY EQUAL TO THAT PROVIDED TO MEN AT VMI	18
A. VWIL Rejects The Military Education Model	19

	Page
B. VWIL Does Not Offer the Type of Science, Math and Engineering Curriculum Available at VMI	20
C. VWIL Does Not Offer the Opportunities for Group Identification and Cohesion Available at VMI	21
D. VWIL Does Not Offer the Type of Leadership Opportunities That Are Available at VMI	22
E. Mary Baldwin Does Not Offer the Important Intangible Benefits Available to VMI Students	23
CONCLUSION	24
APPENDIX	A-1

TABLE OF AUTHORITIES

Cases	Page
Brown v. *Board of Education*, 347 U.S. 483 (1954)	16, 18
Faulkner v. *Jones*, 51 F.3d 440 (4th Cir.), *cert. denied*, 1995 WL 428100, *cert. denied*, 1995 WL 500529 (1995)	4
J.E.B. v. *Alabama*, 114 S. Ct. 1419 (1994)	5
United States v. *Commonwealth of Virginia*, 52 F.3d 90 (4th Cir.), *cert. granted*, 116 S. Ct. 281 (1995)	12, 23
United States v. *Commonwealth of Virginia*, 44 F.3d 1229 (4th Cir.), *cert. granted*, 116 S. Ct. 281 (1995)	*passim*
United States v. *Commonwealth of Virginia*, 852 F. Supp. 471 (W.D. Va. 1994), *aff'd*, 44 F.3d 1229 (4th Cir.), *reh'g denied*, 52 F.3d 90 (4th Cir.), *cert. granted*, 116 S. Ct. 281 (1995)	*passim*
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United States v. *Commonwealth of Virginia*, 766 F. Supp. 1407 (W.D. Va. 1991), *vacated*, 976 F.2d 890 (4th Cir. 1992), *cert. denied*, 113 S. Ct. 2431 (1993), *aff'd*, 44 F.3d 1229 (4th Cir.), *cert. granted*, 116 S. Ct. 281 (1995)	*passim*
Statute	
10 U.S.C. § 6964 (1988)	12
Other Authorities	
137 Cong. Rec. E2375 (daily ed. June 26, 1991)	9

Other Authorities **Page**

Memorandum from John H. Dalton, Secretary of the Navy, on Direct Ground Combat Definition and Assignment Rule (April 29, 1994) (Defense Secretary Aspin's Policy on the Assignment of Women in the Armed Forces, Tab C)..... 8

Memorandum from Togo West, Secretary of the Army, on Increasing Opportunities For Women In The Army (July 27, 1994) (Defense Secretary Aspin's Policy on the Assignment of Women in the Armed Forces, Tab B)..... 7

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U.S. Department of Defense, Office of the Assistant Secretary of Defense, Public Affairs News Release no. 449-94, *Positions and Occupations Open To Active Duty Women By Service, As Of October 1, 1994*, July 29, 1994..... 6

The United States Military Academy, *Report on the Integration and Performance of Women at West Point for the Defense Advisory Committee on Women in the Services* (Feb. 1992) 10, 13, 14

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M. Cheh, *An Essay on VMI and Military Service: Yes, We Do Have to be Equal Together*, 50 Wash. & Lee L. Rev. 49 (1993)..... 11

R. Cornum, *She Went to War* (1992)..... 6, 9, 11

M. Fountain, Special to the Tribune, *Flying High as Air Force Secretary She's Tops in Her Field and an Inspiration*, Chi. Trib., Sept. 24, 1995..... 7

J. Milko, *Beyond the Persian Gulf Crisis: Expanding the Role of Service Women in the United States Military*, 41 Am. U. L. Rev. 1301 (1992)..... 5

B. Saferstein, *Note: Revisiting Plessy at the Virginia Military Institute: Reconciling Single-Sex Education with Equal Protection*, 54 U. Pitt. L. Rev. 637 (1993)..... 10, 14, 15, 16

J. Sanders, *Veterans Day Salute to Women*, St. Petersburg Times, Nov. 11, 1995 5

S. Shepard, *Americans May be Losing Touch with Veterans' Sacrifices*, Hous. Chron., Nov. 11, 1995 5

B. Smith, *Watchdog Says Campus Harassment by Upperclassmen Has Declined*, Assoc. Press, Oct. 21, 1991 12

H. Wise, *Drawing Out the Man: The VMI Story* (1978)..... 16, 17

Other Authorities **Page**

VMI 1994–1995 Catalog 17, 21

Transcript of *United States v. Commonwealth of Virginia,* Testimony of Captain Tamara Frezell.... 20, 22

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IN SUPPORT OF THE PETITION OF THE UNITED STATES

INTEREST OF AMICI

The *amici* are Lieutenant Colonel Rhonda Cornum, USA; Brigadier General Evelyn P. Foote, USA (Ret.); Captain Patricia Murphy Gormley, JAG, USN (Ret.); Kristine Holderied; Major Andrea Hollen, USA (Ret.); Major General Jeanne Holm, USAF (Ret.); Major Pat Walker Locke, USA (Ret.); Danna Maller; Major Lillian A. Pfluke, USA (Ret.); Lieutenant Julie M. Roberts, SC, USNR; Major Alison Ruttenberg, COANG; Mary Rosinski Whitley; Brigadier General Roger C. Bultman, USA (Ret.); Dr. Margarethe Cammemeyer; Captain (Sel.) Eileen L. O'Hickey, CHC, USN; Lieutenant Colonel Karen Johnson, USAF (Ret.); Major Jane McKeon, USA; Major Mary A. Finch, USA; and Women Active in Our Nation's Defense, Their Advocates and Supporters (WANDAS). Descriptions of the *amici* are set forth in the attached appendix.[1]

Military members, female and male alike, swear an oath to defend the very Constitution which has been construed by the courts below to deem women unworthy to attend the Virginia Military Institute ("VMI"). *Amici* appear before this Court to defend their right as citizens to equal protection under the Constitution to which they have sworn their allegiance.

SUMMARY OF ARGUMENT

In *United States* v. *Commonwealth of Virginia*, 44 F.3d 1229 (4th Cir.), *cert. granted*, 116 S. Ct. 281 (1995) [hereinafter "*VMI II*"], the Fourth Circuit relied on inaccurate and harmful stereotypes of women as weak, insecure and unable to withstand the rigors of military training when it permitted the Commonwealth of Virginia to continue to exclude women from VMI.

Women, who have participated in every American armed conflict, including many of the signatory *amici curiae*, have

[1] The parties' written consent to the filing of this brief has been filed with the Court.

demonstrated with their lives that they can withstand the stress of combat situations, the challenges of military leadership and the physical challenges of mobilizing a fighting force. Yet, because of their gender, these Americans are not qualified to attend VMI.

The Fourth Circuit has adopted a view that the admission of women to VMI would have a detrimental impact on that institution. Such a view, however, contradicts available evidence. The successful integration of the United States service academies and the armed forces offers strong proof that the integration of VMI will not detrimentally affect its mission of educating "citizen-soldiers," but will be an asset to VMI.

The Virginia Women's Institute for Leadership ("VWIL") is in no respect equal, let alone comparable, to VMI. VWIL will not rely on the pervasive military life or adversative methods that characterize VMI. Rather, VWIL has been created not to benefit women who want a VMI-style education, but to maintain VMI's historic all-male character. It is essential for this Court to integrate VMI, thereby ensuring that women are afforded a truly equal educational opportunity.

ARGUMENT

When VMI was founded in 1839 as a state-supported military school, women had no legal right to equal protection of the laws. Hence their exclusion from VMI simply reflected the subordinate legal and social status of women in American society at that time. Rather than revisiting its policies in light of women's current legal and social status, VMI has chosen to retain the outmoded gender-role premises of its origins.

In contrast, both the Congress and the United States military have eliminated most gender-exclusionary policies, creating hundreds of new opportunities in the armed forces which were previously closed to women. There is no reasoned basis why VMI, an institution dedicated to creating "citizen-soldiers," should maintain a program that is more "macho" than the United States armed forces.

The fact that VMI wishes to remain all male is not a legally cognizable reason for excluding women under any level of equal protection scrutiny. VMI resists change because its guardians are unwilling to share VMI's opportunities with women. As Judge Hall stated in his concurrence in *Faulker v. Jones*, the VMI and The Citadel cases have very little to do with education:

> [t]hey instead have very much to do with wealth, power, and the ability of those who have it now to determine who will have it later. The daughters of Virginia and South Carolina have every right to insist that their tax dollars no longer be spent to support what amount to fraternal organizations whose initiates emerge as full-fledged members of an all-male aristocracy. Though our nation has, throughout its history, discounted the contributions and wasted the abilities of the female half of its population, it cannot continue to do so. As we prepare, together, to face the twenty-first century, we simply cannot afford to preserve a relic of the nineteenth.

51 F.3d 440, 451 (4th Cir.), *cert. denied*, 1995 WL 428100, *cert. denied*, 1995 WL 500529 (1995) (Hall, J., concurring).

There are women who can satisfy each and every one of VMI's current requirements and who desire to attend VMI.[2] *United States* v. *Commonwealth of Virginia*, 766 F. Supp. 1407, 1412, 1414 (W.D. Va. 1991), *vacated*, 976 F.2d 890 (4th Cir. 1992), *cert. denied*, 113 S. Ct. 2431 (1993), *aff'd*, 44 F.3d 1229 (4th Cir.), *cert. granted*, 116 S. Ct. 281 (1995). The courts below, by improperly focusing on stereotypes of

[2] There is a demand for a VMI education among women even though women have been discouraged from applying to VMI because of its all-male admission policy. Between 1988 and 1990, VMI received, but did not respond to, inquiries, test scores and requests for applications from 347 women. 766 F. Supp. at 1436.

women as a group,[3] denied these women the remedy to which they are entitled, the opportunity to attend VMI. After years of litigation, women who seek the VMI experience still lack a remedy.

Although *amici* believe that the reasons put forward by VMI for the exclusion of women (*i.e.*, privacy concerns, notions of equality and sexual distractions) are red herrings, this brief will address and refute these rationales.

I. THE SUCCESS OF WOMEN IN THE MILITARY INVALIDATES THE STEREOTYPES RELIED ON BY THE FOURTH CIRCUIT

The Veterans Administration estimates that there are more than 1.2 million women veterans in the United States.[4] Although official uniformed participation by women began with the formation of the Army Nurse Corps in 1901, women have contributed to the national defense since our country was founded.[5]

World War II marked a turning point in the history of women in the military. A total of 360,000 women served in the armed forces during the conflict.[6] The many military women stationed overseas endured the same arduous living conditions as men. Additionally, 68 women were held as prisoners of war by the Japanese for more than three years.[7] In

[3] A woman attends military school or serves in the armed forces, "not as a representative of a . . . sexual group but as an individual citizen." *J.E.B.* v. *Alabama*, 114 S. Ct. 1419, 1435 (1994) (Kennedy, J., concurring).

[4] Scott Shepard, *Americans May Be Losing Touch With Veterans' Sacrifices*, Hous. Chron., Nov. 11, 1995, at 3.

[5] James D. Milko, *Beyond the Persian Gulf Crisis: Expanding the Role of Servicewomen in the United States Military*, 41 Am. U. L. Rev. 1301, 1337 (1992).

[6] Jacquin Sanders, *Veterans Day Salute to Women*, St. Petersburg Times, Nov. 11, 1995, at 1A.

[7] *Id.*

1947-48, women assumed active duty status in the Army, Navy, Marine Corps and Air Force. Women continued to play an active role in Korea and Vietnam. In 1975, the service academies first opened their doors to women; in 1980, the first women cadets and midshipmen graduated.[8]

Since 1973, when the male draft ended and the All Volunteer Force began, the percentage of women among U.S. military personnel has increased dramatically, from 1.6 percent in 1973, to 8.5 percent in 1980, to 12.0 percent in 1994. Currently, almost 200,000 women serve on active duty in the military services, with 32,338 serving as officers.[9]

Recent significant changes in law and policy have eradicated barriers which had previously impeded women's military service.[10] In November 1993, Congress repealed Title 10 U.S.C. § 6015, which had prohibited Navy and Marine Corps

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[8] Six of the *amici* were members of the class of 1980: Major Andrea Hollen, USA (Ret.); Major Pat Locke (Ret.); Danna Maller; Major Lillian Pfluke (Ret.); Major Jane McKeon, USA; and Mary Rosinski Whitley.

[9] U.S. Department of Defense, Office of the Assistant Secretary of Defense, Public Affairs News Release no. 449-94, *Positions and Occupations Open To Active Duty Women By Service, As Of October 1, 1994*, July 29, 1994.

[10] The VMI litigation is about equal opportunity for qualified individuals. The United States military has opened arbitrarily closed doors to all those who are most qualified including women. As *Amicus* Major Rhonda Cornum has written:

> Everyone should be allowed to compete for all available jobs, regardless of race or gender. There is no question that the "average" woman is not as tall, heavy or strong as the "average" man; . . . . But what does that mean? I'd say that it means if the job requires someone to be tall, heavy and strong, then fewer women will be competitive than men. But at least let them compete. Who cares what percentage qualifies?- just pick the best. . . . The qualities that are most important in all military jobs -- things like integrity, moral courage, and determination -- have nothing to do with gender.

Major Rhonda Cornum, *She Went to War* 198 (1992) (emphasis added).

women from serving on combatant vessels. Similarly, the Congressional repeal of limiting statutes in 1991 enabled the Secretary of Defense in 1993 to direct the services to allow women aviators to fly aircraft engaged in combat missions. In a 1993 memorandum to the Secretary of Defense, Secretary of the Air Force Shelia Widnall[11] noted that "99.1% of all Air Force career fields are open to women as well as 99.7% of our positions."[12]

In late 1994, Secretary of the Army, Togo West, outlined increased opportunities for women in the Army, stating that:

> [e]xpanding professional roles for women in the Army not only mirrors changes in our society -- but more importantly it reflects changes in the conduct of war, which has evolved from a contest of strength of individual combatants, to a contest in which a far wider variety of skills contribute to victory. The nature of the modern battlefield is such that we can expect soldiers throughout the breadth and depth of a theater of war to be potentially in combat.[13]

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[11] In 1993, Secretary Widnall became the first woman appointed as head of a branch of the U.S. military. Monica Fountain, Special to the Tribune, *Flying High as Air Force Secretary She's Tops in Her Field and an Inspiration*, Chi. Trib., Sept. 24, 1995, at 10.

[12] Memorandum from Sheila Widnall, Secretary of the Air Force, on Direct Ground Combat Definition and Assignment Rule (June 21, 1994) (Defense Secretary Aspin's Policy on the Assignment of Women in the Armed Forces, Tab D).

[13] Memorandum from Togo West, Secretary of the Army, on Increasing Opportunities For Women In The Army (July 27, 1994) (Defense Secretary Aspin's Policy on the Assignment of Women in the Armed Forces, Tab B).

Similarly, Secretary of the Navy John Dalton recently reaffirmed his "commitment to expanding opportunities for women in the Department of the Navy."[14]

Increased opportunities for women in the armed forces has had a positive effect on military readiness; women have played critical roles in recent military campaigns. In 1983, 170 women were deployed with forces to Grenada in Operation Urgent Fury.[15] In 1986, Air Force women served as pilots, co-pilots and boom operators on the KC-135 and KC-10 tankers that refueled FB-111s during the raid on Libya.[16] In 1989, 770 women were deployed to Panama in Operation Just Cause, where Captain Linda Bray, commander of the 988th Military Police Company, led her soldiers in an infantry-style firefight against Panamanian Defense Forces.[17] Three female Army pilots were nominated for Air Medals after their helicopters encountered heavy enemy fire over Panama.[18]

The Persian Gulf War was a watershed event for women in the United States military. The women who served in Operation Desert Storm performed their duties in an outstanding manner, including jobs that were, for all practical purposes, combat jobs.[19] Like all American soldiers, they faced hostile fire; flew into enemy territory; suffered death, injury and confinement as prisoners of war; lived in conditions of

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[14] Memorandum from John H. Dalton, Secretary of the Navy, on Direct Ground Combat Definition and Assignment Rule (April 29, 1994) (Defense Secretary Aspin's Policy on the Assignment of Women in the Armed Forces, Tab C).

[15] Women in Military Service for America Memorial Foundation, Inc., *Highlights of Women in the United States Armed Forces* 5 [hereinafter "*Highlights*"].

[16] *Id.*

[17] *Id.*

[18] *Id*

[19] The Presidential Commission on the Assignment of Women in the Armed Forces, *Report to the President Women in Combat*, iii (1993).

extreme hardship; and performed tasks requiring physical strength and stamina.

Over 40,000 United States military women served in key combat-support positions throughout the Gulf.[20] They performed in medical and administrative jobs, as well as non-traditional assignments, including airlifting supplies and personnel, maintaining weapons systems and serving as intelligence specialists.[21] Women accounted for six percent of the U.S. forces in the Gulf region. Five women were killed in combat and two were taken prisoners of war.[22]

Since the Gulf War, military women have continued to make great strides. In 1993, an Army woman astronaut flew on the space shuttle *Endeavor*, American servicewomen served with the United Nations' forces in Bosnia and Somalia, and women were deployed with the *USS Fox*. *Highlights, supra*, at 5. In 1994, Navy women joined the crew of the *USS Eisenhower*, a female Air Force major co-piloted the space shuttle *Discovery*, American servicewomen were deployed with the United Nations' forces to Rwanda, and Navy women were deployed on combat ships to Haiti and the Middle East. *Id.* In 1995, Air Force Lt. Col. Eileen M. Collins became the first woman pilot of the space shuttle *Discovery*. *Id.*

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[20] *Id.*

[21] 137 Cong. Rec. E2375 (daily ed. June 26, 1991).

[22] *Id.* One of the female POW's, Major Rhonda Cornum, was on a search-and-rescue mission when the Army helicopter in which she was flying was shot down in southeastern Iraq. Major Cornum suffered two broken arms, had a bullet enter her right shoulder and seriously injured her knee. Vice Admiral William P. Lawrence, former Superintendent of the U.S. Naval Academy, has stated that Major Cornum's "performance both before and during the war and captivity fully validates that women can be warriors in every sense of the word and [that] they are a vital part of today's armed forces." Cornum, *supra*.

II. WOMEN WILL NOT "DESTROY" THE VMI EXPERIENCE

Integrating women into VMI will not destroy the experience that institution provides for cadets. It will only end the unconstitutional exclusion of women from a stated-supported program designed to train "citizen-soldiers."[23]

The Fourth Circuit rationalized its exclusion of women from VMI on the grounds that the military model is "inappropriate" for educating and training most women. The court failed to explain, however, how this determination squares with the concrete real-life success of women in the armed forces and in the service academies, all of which employ a military model. The court did not give weight to the twenty-plus years of existing evidence that the integration of women into the United States service academies, such as West Point and the Naval Academy, has been positive.[24] Although real differences do exist between the sexes, many of

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[23] Change does not divest an institution of its uniqueness or prestige. The admission of women to the University of Virginia did not rob that school of its status as the most prestigious university in the state. Integration would change VMI, but it would remain unlike any other college in Virginia. Bennett L. Saferstein, *Note: Revisiting Plessy at the Virginia Military Institute: Reconciling Single-Sex Education with Equal Protection*, 54 U. Pitt. L. Rev. 637, 668 n.150 (1993).

[24] Women gain entrance to West Point based on merit, not because of a quota. Women admitted are fully qualified to be cadets; they are not replacing better-qualified men. They are achieving standards of excellence comparable to those of men by every measure of comparison. Women's academic performance at West Point has been outstanding. Militarily, women are earning cadet rankings consistent with their representation in the Corps. Performance of women in the physical program compares quite favorably with that of men, whether it is in physical education classes, during fitness tests or in competitive athletics. West Point's women graduates' selection, promotion, and retention rates exceed Army norms and are setting the standard for others to emulate. The United States Military Academy, *Report on the Integration and Performance of Women at West Point for the Defense Advisory Committee on Women in the Services* 8, 63, 64 (Feb. 1992) [hereinafter "*DACOWITS Report*"].

the stereotypes relied on by the majority below are premised on the idea that only women (and not men) require a nurturing and supportive environment and that women can only learn in this environment. The outstanding achievements of women at the service academies rebuts these unsupported assumptions.[25]

Contrary to the claims of VMI's proponents, the admission of women to VMI will not alter VMI's mission of educating "citizen-soldiers" or destroy the development of *esprit de corps*.[26] It may, however, eliminate particular rituals followed to achieve those ends -- rituals that are neither a necessary component of military education nor very logical in their own right.[27]

A. VMI's Use of Hazing As an Educational Tool Cannot Justify the Exclusion of Women

One of the main justifications for the blanket exclusion of women from VMI is the institution's dedication to the use of hazing, or the extreme adversative methodology, as a fundamental educational tool. That simply cannot stand as a valid basis for the exclusion of women. Hazing is an abusive method of imposing stress on cadets, but it is an artificial

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[25] All of the service academies have had women graduate at the top of their class. In 1984, *amicus* Kris Holderied graduated first at the U.S. Naval Academy. In 1980, *amicus* Major Lillian Pfluke (Ret.) graduated first in physical education at West Point.

[26]

> People talk about male bonding in the military and about how female soldiers will disrupt unit cohesion. Real bonding, however, goes far beyond whether the people involved are two men, two women, or one of each. It's much more than that. Going to war with a unit, risking your life with them, builds an intimate and intense relationship. The soldiers don't all have to be men for that to happen.

Cornum, *supra*, 84.

[27] Mary M. Cheh, *An Essay on VMI and Military Service: Yes, We Do Have to be Equal Together*, 50 Wash. & Lee L. Rev. 49, 53 (1993).

stress, not a real-life or combat-type stress. VMI has failed to show there is a substantial relationship between its goal of producing "citizen-soldiers" and the means exercised to fulfill this objective. As evidenced by the service academies, training future leaders can be accomplished without the use of adversative training.

Academic and military institutions have recognized that hazing is counterproductive and have eliminated its use.[28] At the only other all-male publicly-funded military school, The Citadel, four freshmen athletes quit in 1991, alleging they had been hazed. The upperclassmen responsible for the harassment were rigorously punished and The Citadel stated it would review its system of freshmen training, which is similar to VMI's rat line.[29] VMI cannot justify cadet hazing as either a recognized educational method or appropriate military training.

Even VMI admits that different methodologies produce the same results, so hazing cannot be fundamental to its educational mission. As Judge Motz found, "if hazing is truly fundamental, then VWIL is not equal; if it is not fundamental, then VMI cannot rely on it to exclude women." *United States* v. *Commonwealth of Virginia*, 52 F.3d 90, 93 (4th Cir.) (Motz, J., dissenting from denial of rehearing en banc), *cert. granted*, 116 S. Ct. 281 (1995).

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[28] Congress outlawed hazing at the Naval Academy in 1976, having defined hazing as "any unwarranted assumption of authority by a midshipman whereby another midshipman suffers or is exposed to any cruelty, indignity, humiliation, hardship, or oppression, or the deprivation or abridgement of any right." 10 U.S.C. § 6964 (1988). Hazing was abolished at West Point in 1990, banned at The Citadel and is illegal in 30 states. Bruce Smith, *Watchdog Says Campus Harassment by Upperclassmen Has Declined*, Assoc. Press, Oct. 21, 1991.

[29] Smith, *supra*.

B. Creating Parallel Physical Fitness Requirements Will Not Destroy the Cadet Experience

The *amici* agree that women and men differ physiologically. As evidenced by the experiences of the service academies, these differences can be worked into the program to the minimal extent necessary to ensure that women and men perform to the limits of their respective abilities.[30]

The underlying goal of the rigorous physical fitness requirements at any military academy is to drive cadets to extend themselves and thereby ascertain their personal maximum capabilities. Parallel physical standards will not disturb this goal because the standards are designed to test the utmost efforts of the cadets regardless of their gender.[31] Rather than finding that modifying the physical education requirements would destroy VMI, the court should have utilized the evidence from the service academies which demonstrates that a dual track for physical education requirements would not significantly alter VMI's mission. At West Point, women's physical standards are quite demanding and women are performing exceptionally against these standards. *DACOWITS Report*, *supra*, at 45.

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[30] At the service academies, gender-based differentiation occurs in the physical fitness programs because of physiological differences. Changes in all programs, however, have been held to a minimum. This is particularly true in the academic and military programs. *DACOWITS Report*, *supra*, at 63.

[31] Some women can meet the physical requirements now imposed on the men at VMI, *United States* v. *Commonwealth of Virginia*, 976 F.2d 890, 896 (4th Cir. 1992), *cert. denied*, 113 S. Ct. 2431 (1993), *aff'd*, 44 F.3d 1229 (4th Cir.), *cert. granted*, 116 S. Ct. 281 (1995) [hereinafter "*VMI I*"], and many more would be able to meet the strenuous standards that could be imposed in an integrated VMI.

C. Provisions for Some Degree of Privacy Could be Made Without Detriment to the Adversative Methodology

VMI utilizes constant public exposure of cadets as one means of inducing stress and claims that locks installed on doors and shades on windows might lessen that stress. Creating a separate barracks floor for women could maintain the source of stress for men and impose the same stress on the women vis-a-vis other women.

Making accommodation for women at the service academies was not difficult and did not affect the overall programs. For example, at West Point, all cadets live in the barracks. Rooms for men and women are interspersed throughout the area; there are no barracks specifically for men or women. Cadets live two or three to an austerely arranged room. Although some barracks have two bathrooms per floor, in other barracks there is only one small bathroom per floor. In these cases, cadets have solved the problem by either alternating the bathrooms (women/men) between floors or by merely putting a rotating ("women"/"men") sign on the door.[32] *DACOWITS Report*, *supra*, at 17. Implementing minimal basic regulations regarding privacy would not substantially interfere with the adversative method or the spartan lifestyle.

D. VMI's Apprehension Concerning the Effects of Cross-Sex Relationships is Specious

If VMI is claiming a military mission, it should be preparing its cadets to cope with the realities of a mixed gender military.[33] If VMI's purpose is to train leaders in the community, it should be training its cadets to function in a

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[32] At the Naval Academy, women live alongside the men in Bancroft Hall in company areas. Midshipmen live two to three to a room. Most company areas have at least one male and one female bathroom. Midshipmen have a shower stall and sink in their rooms.

[33] Saferstein, *supra*, at 663.

mixed-gender social and political world. A coeducational VMI experience would provide better training for military service, 766 F. Supp. at 1441, as well as for leadership in both the business and political arenas.

VMI takes pride in the self discipline developed by cadets through its rigorous training program. This self discipline should enable the cadets to control themselves irrespective of "sexual distractions." Additionally, if fear of "sexual distraction" were a valid reason for excluding women from public higher education, women would still be barred from all public colleges and universities.

Regulations concerning fraternization could be implemented to maintain good order and discipline within ranks. The court noted without elaboration that the introduction of women to VMI would create a "new set of stresses on the cadets." 766 F. Supp. at 1413. VMI has emphasized that mental stress is a key component of its adversative program, so any added stress might actually harmonize with this program goal.[34]

E. VMI Has Changed and Accommodated New Student Populations With Which the Admission of Women is Consistent[35]

In its first opinion upholding the exclusion of women from VMI as consistent with the Equal Protection Clause, the district court began with a reference to the Civil War Battle of New Market in which ten VMI cadets died in service to the Confederacy. 766 F. Supp. at 1408. Ceremonies commemorating this battle were the impetus for significant changes in

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[34] *Id.* at 662.

[35] VMI was once open only to Virginians; it was once open only to white males. For a discussion of VMI's tradition of discrimination and accommodation of difference, see Dianne Avery, *Institutional Myths, Historical Narratives, and Social Science Evidence: Reading the "Record" in the Virginia Military Institute Case*, 5 S. Cal. Rev. L. & Women's Studies (forthcoming in 1996) (manuscript on file with counsel).

VMI's tradition of race discrimination when VMI modified its racially exclusionary admissions policy to allow African-American men to attend.[36]

After *Brown* v. *Board of Education*, 347 U.S. 483 (1954), VMI devised ingenious tactics to forestall the admission of black cadets. In 1956, VMI altered its regulations on "the physical qualifications for admission," adding a new screening process for applicants whose qualifications might be in question.[37] The added screening procedure, maintained until 1963, "was a fairly transparent attempt to make sure that no blacks coming out of newly desegregated public schools slipped through the admissions process."[38]

The first black cadets were admitted to VMI in 1968.[39] At that time, VMI had traditions such as the "customary salute" of the chapel in Lexington where Robert E. Lee is buried and the requirement that all cadets sing "Dixie" and salute the confederate flag at the annual New Market ceremony.[40] In 1971, black cadets refused to pay their respects during the New Market ceremonies. The next year, in violation of regulations and breaking tradition, black cadets boycotted the event entirely. The Board of Visitors did not relent until 1974[41] when VMI finally abandoned these traditions of its

[36] Until after the Civil War, VMI included slaves among its property holdings. *See id.* at 17 & n.1 (citing William Couper, *One Hundred Years at V.M.I.* 290 (1939); Jenning C. Wise, *The Military History of the Virginia Military Institute From 1839-1865* 371 (1915)).

[37] Henry A. Wise, *Drawing Out the Man: The VMI Story* 287 (1978).

[38] Avery, *supra*, (manuscript at 19). VMI's resistance to racial integration of its student body is also "reflected in a 1962 decision of the Board of Visitors to refuse donations from philanthropic organizations, such as the Ford Foundation, which would contribute funds only to racially integrated colleges." *Id.* (citing Wise, *supra*, at 287).

[39] Wise, *supra*, at 287.

[40] Avery, *supra*, (manuscript at 20).

[41] Safferstein, *supra*, at 661.

slaveholding past to accommodate its newly diversified student body.[42]

Admitting black cadets required VMI to transform itself in a fundamental way because as one of VMI's historian's noted "the negro heritage and some of VMI's traditions of 100 years and more are mutually incompatible."[43] Yet, "racial integration came to be seen as yet another manifestation of the Institute's faithfulness to its core ideals,"[44] because once an individual becomes a VMI cadet, the individual's "background, name and circumstances do not count."[45] The admission of women would be similarly faithful to the Institute's core ideals.

VMI not only "survived" racial integration; today VMI encourages it. VMI has created special programs and allocated additional funds to recruit and retain African-American male students.[46] 766 F. Supp. at 1436-37. Since such affirmative action programs do not contravene VMI's definition of equality, any tangential changes needed to accommodate women would similarly not effect the equal treatment of cadets.

VMI's core mission of educating "citizen-soldiers" also appears malleable given that VMI has a history and current day practice of admitting foreign students.[47] Foreign students

[42] Avery, *supra*, (manuscript at 20).

[43] Wise, *supra*, at 289.

[44] Avery, *supra*, (manuscript at 21).

[45] *Id.* (quoting Wise, *supra*, at 289).

[46] VMI's 1990-91 budget included $22,000 set aside for a program on "Retention of Black Cadets" designed to offer "crucial academic support" and "social-cultural support" to "minority members of a dominantly white and tradition-oriented student body." 766 F. Supp. at 1436-37.

[47] In the 1993-94 school year, VMI enrolled 36 foreign students from twelve countries. "Geographical Distribution Corps of Cadets," *VMI 1994-95 Catalog.* Chinese citizens were admitted for the first time in 1905. Students from other Asian countries, South and Central America, Europe and Canada have attended VMI. In 1975-76, VMI "coordinated

(Footnote continued)

were accommodated through the provision of English language instruction, alteration of the "rat punishment," and waiver of the ROTC requirement.[48]

In 1970, VMI Superintendent George Snell wrote:

> Changes have been made, many of them more rapidly than some would wish and others less speedily than their advocates urged. While many have regarded the changes as "chipping away at the very foundations" of the Institute, they usually have been changes that were demanded by the times and which will have long-range benefits for the Institute and its cadets.[49]

So too the admission of women is demanded by the times and will benefit women, the Institute, and all cadets.

III. VWIL FAILS TO PROVIDE WOMEN AN EDUCATIONAL OPPORTUNITY EQUAL TO THAT PROVIDED TO MEN AT VMI

Both courts below conceded that VWIL does not provide an educational opportunity equal to VMI.[50] *United States v. Commonwealth of Virginia*, 852 F. Supp. 471, 475 (W.D. Va. 1994); *VMI II*, 44 F.3d at 1237. VMI is "absolutely unique," providing men with "rigorous military training" available at no other institution in the nation, 766 F. Supp. at 1413-14; "women have no opportunity anywhere to gain the benefits of this education." *Id.* at 1421. VMI, the Commonwealth and the courts below believe that attendance at VMI provides its

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with the Royal Iranian Navy to enroll thirty Iranian midshipmen for the 1975-76 session." Avery, *supra*, (manuscript at 22-23).

[48] *Id.*

[49] Avery, *supra*, (manuscript at 33).

[50] *Amici* do not contend and affirmatively reject that separate but equal is an appropriate equal protection standard. *See Brown* v. *Board of Education*, 347 U.S. 43 (1954).

graduates with a competitive advantage in terms of military success, an advantage denied to women.

Graduates of VWIL will neither receive a VMI equivalent training nor the VMI competitive advantage for success in the military or civilian life. Participation in VWIL is more analogous to choosing an undergraduate major or being a member of a varsity sports team than it is to a VMI education. Indeed, the court of appeals noted that VWIL is essentially the standard Mary Baldwin bachelor of arts program, with a "minor" in leadership. *VMI II*, 44 F.3d at 1234.

A. VWIL Rejects The Military Education Model

VWIL has been created out of whole cloth for the ostensible purpose of training women to serve as officers in the armed forces.[51] 852 F. Supp. at 476. Yet, this training is to be provided by a private women's college which has explicitly rejected the military model as inappropriate for "educating and training most women," *id.*; which has no experience or tradition of military training or service; and whose students have shown little or no interest in the military.[52] The district court suggested that VWIL's failure to provide "the entirely militaristic experience of VMI" was excusable because VWIL was "planned for women who do not necessarily expect to pursue military careers." *Id.* at 478. That is an invalid distinction because "VMI has gone to considerable lengths to assure the public that it is not simply a military college," 766 F. Supp. at 1432, and VMI, too, is designed for men who do not

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[51] "VWIL will be a publicly-supported, single-sex education program with military training for women." 852 F. Supp. at 494. "The stated mission of VWIL is to produce citizen-soldiers . . . qualified to serve in the armed forces." *Id.*

[52] "Mary Baldwin College is not a military school. . . [and] has no tradition of producing military leaders, or of training its students for the military." 852 F. Supp. at 501. Mary Baldwin has not previously provided ROTC on campus and has had only one of its students participating in ROTC off campus. *Id.*

necessarily expect to pursue military careers.[53] Moreover, while VMI provides military-type education to men, VWIL provides only "special leadership training to women." *VMI II* 44 F.3d. at 1237.

VWIL is not organized under the "pervasive military regimen that exists at VMI" and does not use "pervasive military life and adversative methods to achieve its goals."[54] *VMI II*, 44 F.3d at 1234. Women at VWIL will not be subject to military-style regulations and are not required to wear their uniforms other than during ROTC or Virginia Corps of Cadets activities. 852 F. Supp. at 495. In contrast, VMI students are subject to "comprehensive regulation of behavior and the wearing of uniforms." 766 F. Supp. at 1424. The only military training received by women at VWIL will be ROTC, 852 F. Supp. at 497, while VMI's military training permeates all aspects of a cadet's college life.

B. VWIL Does Not Offer the Type of Science, Math and Engineering Curriculum Available at VMI

Science and engineering are so integral to VMI's academic program that they are mentioned specifically in VMI's mission statement. 766 F. Supp. at 1425. VMI offers a bachelor of science degree, *id.* at 1424, "an engineering degree [and] several advanced math and physics courses that VWIL does not offer." 852 F. Supp. at 477. VMI students also have scientific research opportunities at the VMI Research Laboratory, a

[53] "Only about 15% of VMI cadets enter career military service." 766 F. Supp. at 1432.

[54] As Captain Tamara Frezell testified, women interested in attending college in a military environment will not be interested in VWIL: "I felt that living in the military environment and attending a school that had a rigorous military program was the best preparation for a career in the Army. . . . I preferred living in a military type environment, and a ROTC program would not have satisfied my desire to study in the practice for the military." Tr. at 990.

private non-profit corporation.[55] Mary Baldwin does not offer a bachelor of science degree, does not offer engineering on campus,[56] and does not have a math or science focus. This lack of access limits the career choices, military and civilian, of VWIL students. VMI students' choices are not similarly confined. The district court, relying on a stereotype that women are not interested in science, math and engineering, simply found that women need not be given this opportunity. *Id.* at 477.

C. VWIL Does Not Offer the Opportunities for Group Identification and Cohesion Available at VMI

At VMI, there is only one educational program and all students are a part of it. "VMI's faculty and facilities are dedicated completely to the success of the program. VMI's resources are invested solely in this program; the one and only objective with which the entire VMI community is concerned is developing leaders, citizen-soldiers."[57] Thus, a VMI student in all aspects of his education will be with students engaged in the same "citizen-soldier" enterprise.

For VWIL students, that clearly will not be the case. Mary Baldwin is primarily concerned with providing a liberal arts education to its non-VWIL student body. VWIL students are a small minority of the larger student population. Their experiences in VWIL are but a minor part of their overall educational experience as Mary Baldwin students. VWIL students will attend classes, play sports, share living quarters and meals and spend leisure time with Mary Baldwin students

[55] *VMI 1994-95 Catalog.*

[56] In order to obtain an engineering degree, VWIL students have to attend another university entirely. 852 F. Supp. at 503. The courts below approved the remedy which required VWIL students to go to St. Louis for engineering school where they would lose the benefit of state funding. *Id.* at 494, 503.

[57] Julie M. Amstein, *United States v. Virginia: The Case of Coeducation at Virginia Military Institute*, 3 Am. U. J. Gender & Law 69, 99 (1994).

who have nothing whatsoever to do with ROTC, leadership classes or the like. In contrast to VMI students who at all times and in all situations are part of the Corps of Cadets, VWIL students are intended to blend in with the non-military Mary Baldwin population; they will not experience being part of a distinct and cohesive military community.[58]

D. VWIL Does Not Offer the Type of Leadership Opportunities That Are Available at VMI

Leadership development is part and parcel of all aspects of the VMI student's educational experience. VWIL students, however, primarily focus on learning leadership through classroom study in "core and elective courses," *VMI II*, 44 F.3d at 1234, with only limited opportunities for the exercise of actual leadership in peer group situations.[59] The opportunities for leadership available at VWIL are essentially those available to other Mary Baldwin students.[60]

VWIL's leadership program lacks the gender integration of the military or the service academies -- there are no men as peers or subordinates. As Virginia resident and West Point graduate Captain Frezell testified, in terms of military training, the absence of men from Mary Baldwin "was a minus for me . . . [b]ecause I wanted to study in a program that was integrated because I knew that the military was a male-dominated organization and I wanted that exposure to men." Tr. at 983, 1000. In the military and service academies, as

[58] The courts below emphasized that VMI's educational program functions holistically, with all of the individual components such as military training and academics "integrated into a unified experience through the barracks life." 766 F. Supp. at 1422. Because VWIL simply cobbles together pre-existing Mary Baldwin requirements with VWIL leadership activities, VWIL students will be denied this holistic military experience.

[59] Classroom leadership activities include the VWIL seminar and a Leadership Speaker Series for two semesters. 852 F. Supp. at 477.

[60] The VWIL leadership externship is simply a slight modification of the pre-existing Mary Baldwin externship requirement. 852 F. Supp. at 500.

well as in the business world, leadership is learned and practiced in an integrated environment where women give orders to men and discipline men, as well as *vice versa*.

"[T]he most important aspects of the VMI educational experience occur in the barracks. The barracks, therefore, are crucial to the VMI experience" and "[a]ll cadets are required to live in the barracks for all four years at VMI." 766 F. Supp. at 1423. "[R]esidential life for VWIL students will vary significantly from the residential life of VMI students." 852 F. Supp. at 477. While there is separate VWIL housing, VWIL students need only live there for two of their four years. *Id.* Even during the time VWIL students are required to live together, the "VWIL House will not be operated on a military format." *Id.*

At VMI, students put their classroom lessons of leadership, honor and teamwork to practice in the barracks living situation. The barracks is "the center of campus life and reflects many of the educational objectives of the institution." 766 F. Supp. at 1423. Because women at VWIL need not live together as a unit for half of their education, the type of "hands-on" lessons deemed so valuable in "leadership, honor and teamwork" are intentionally omitted from the program.[61]

E. Mary Baldwin Does Not Offer the Important Intangible Benefits Available to VMI Students

In what Judge Motz rightfully characterized as "an almost epic understatement," 52 F.3d at 93 (Motz, J., dissenting), the Fourth Circuit acknowledged that a degree from Mary Baldwin "lacks the historical benefit and prestige of a degree

[61] Even the sports in which VWIL students are required to participate will minimize the opportunities for team work and the exercise of leadership skills. VWIL requires students to play tennis, golf, and racquetball, all of which are essentially individual sports, requiring no team work, 852 F. Supp. at 495, unlike other sports which require team members to work together to accomplish their goal.

from VMI." *VMI II*, 44 F.3d at 1241. The contrast between VWIL and VMI "is so palpable as not to require detailed recitation." *Id.* at 1250 (Phillips, J., dissenting). As merely "a pale shadow" of VMI, VWIL obviously lacks "the intangibles such as prestige, tradition, and alumni influence which the Supreme Court . . . in *Sweatt* thought 'more important' even than tangible resources." *Id.* (citing *Sweatt* v. *Painter*, 339 U.S. 629, 634 (1950)). Mary Baldwin's tangible resources are also "a pale shadow" of VMI's.[62] VWIL students and graduates will always be at a disadvantage in comparison to VMI graduates. "The catch-up game is an impossible one, as any honest reflection upon the matter must reveal." *VMI II*, 44 F.3d at 1250 (Phillips, J., dissenting).

CONCLUSION

For the reasons discussed above, *amici* urge the Court to find that equal protection requires that women be admitted to VMI.

Respectfully submitted,

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[62] For example, Mary Baldwin "maintains a faculty holding significantly fewer Ph.Ds than the faculty at VMI." 852 F. Supp. at 502. Mary Baldwin has an endowment of approximately $19 million while "VMI has the largest endowment on a per student basis than any other undergraduate institution in the nation - $131 million." *Id.* at 503. Mary Baldwin's physical training facilities (*e.g.*, one basketball court likened to a high school gym) are clearly inferior to those of VMI (*e.g.*, four basketball courts with television hookups and seating for 5,000 spectators). *Id.*

APPENDIX

APPENDIX

Lieutenant Colonel (LTC) Rhonda Cornum, USA

LTC Cornum graduated from medical school at the Uniformed Services University of the Health Sciences in 1986 and completed a General Surgery internship at Walter Reed Army Medical Center in 1987. Assigned to Fort Rucker, Alabama, LTC Cornum served as Chief of Primary Care and Community Medicine, then as Chief of Aviation Medicine. In 1989, she headed the Crew Life Support Branch of the U.S. Army Aeromedical Research Laboratory until deploying to Saudi Arabia with the 2-229 Attack Helicopter Battalion in August, 1990. While performing a combat search and rescue mission, during Desert Storm, LTC Cornum's helicopter was shot down in southeastern Iraq killing five of the eight crew members. LTC Cornum suffered two broken arms, a gunshot wound, and a serious knee injury. She and the two other survivors were captured and held as prisoners of war until their repatriation on March 6, 1991.

Following her return from the Persian Gulf, LTC Cornum continued her military studies at the Air Command and Staff College, graduating in 1993. She was promoted to Lieutenant Colonel in September, 1993, and is currently a resident in Urologic Surgery at Brooke Army Medical Center, San Antonio, Texas.

Brigadier General Evelyn P. Foote, USA (Ret.)

Brigadier General Foote received her commission by direct appointment in 1960. Among other military schools, she attended the United States Army Command and General Staff College, and the United States Army War College.

Brigadier General Foote culminated her military career by serving as Commanding General of Fort Belvoir, Virginia. Prior to this she held many positions, including Deputy Inspector General (Inspections), Department of the Army, commander of the 2d Basic Training Battalion, and Commander, 42d Military Police Group, United States Army Europe and Seventh Army. General Foote served with the

Information Office at Headquarters, U.S. Army Vietnam in 1967 and, upon return to the United States, assumed the duties of Executive Officer, Women's Army Corps Branch with the Officer Personnel Directorate. She was also assigned to the Office of the Deputy Chief of Staff for Personnel as the WAC Staff Advisor and Executive Officer, Human Resources Directorate.

Awards and decorations which General Foote has received include the Distinguished Service Medal, the Legion of Merit (with Oak Leaf Cluster), the Bronze Star Medal, the Meritorious Service Medal (with 2 Oak Leaf Clusters), the Army Commendation Medal (with Oak Leaf Clusters), and the Army General Staff Identification Badge.

Captain Patricia Murphy Gormley, JAG, USN (Ret.)

Captain Gormley was commissioned as a Second Lieutenant in the U.S. Marine Corps in 1963. She received her Juris Doctor from The Columbus School of Law of the Catholic University of America, Washington, D.C., in 1966 and graduated from the National War College in 1987.

Captain Gormley served in Southeast Asia during the Vietnam conflict as well as at Camp Lejeune, North Carolina; Washington, DC; and San Francisco, California; and attained the rank of Major. Gormley had various duty assignments including Foreign Claims Commissioner (Okinawa) and, special court-martial judge (the first woman lawyer in the Marine Corps to so serve).

In 1972, Captain Gormley transferred to the Judge Advocate General's Corps of the United States Navy. She was the first legal advisor to the Defense Advisory Committee on Women in the Services (DACOWITS), an advisory body to the Secretary of Defense. She served as Commanding Officer to the Naval Legal Service Office in Washington, DC (the first woman JAG Corps officer to hold command). She ended her military career as Special Assistant for Legal and Legislative Affairs to the Naval Inspector General.

Captain Gormley retired from the Navy in 1990 and became Counselor to the Inspector General of the Department of Veterans Affairs. She was then appointed General Counsel of the Federal Emergency Management Agency. In the private sector, she held the position of Director of the Women in the Military Project of the Women's Research and Education Institute, Washington, D.C. Gormley serves on the Standing Committee for Armed Forces Law of the American Bar Association. Captain Gormley's awards and honors include Meritorious Service Award; Legion of Merit; Meritorious Service Medal (two awards); the National Defense Service Medal and the Expert Pistol Medal.

Kristine Holderied

Kristine Holderied graduated from the United States Naval Academy in 1984, in the fifth class to include women in the Brigade of Midshipman. While at USNA she held several leadership positions, including the second highest position, Deputy Brigade Commander, in her senior year. Holderied graduated at the top of her class, and was the first woman to do so at any of the service academies. This ranking is determined by a combination of academic grades, military performance, physical fitness, and demonstrated leadership. At the time of graduation she was selected for one of the prestigious National Science Foundation Graduate Fellowships, for postgraduate education. Following an assignment to Spain as a naval oceanography officer, Holderied was selected by then Secretary of the Navy, John Lehman, for a new graduate education program at the Massachusetts Institute of Technology/Woods Hole Oceanographic Institution. There, she completed a master's degree in 1988 and was assigned to duty in Norfolk, Virginia. Holderied left active duty in 1991 and has been working as an environmental analyst for the U.S. Army Corps of Engineers and pursuing a doctorate in oceanography. Since 1991 she has been a resident of the Commonwealth of Virginia.

Major Andrea Hollen, USA (Ret.)

Major Hollen graduated from the United States Military Academy at West Point in 1980 with a B.S. in General Engineering. Hollen graduated as a Distinguished Cadet, ranked tenth in her class, and was commissioned in the U.S. Army Signal Corps. Her military schooling includes Jungle Operations Warfare School and Airborne School. From 1980 to 1982, Hollen attended Oxford University as a Rhodes Scholar.

Hollen served as the Division Artillery Communications Platoon Leader, the Signal Battalion Operations Officer for Plans, and the Company Commander of A Company, 123d Signal Battalion, with the 3rd Mechanized Infantry Division in Europe. Her duties included engineering and controlling division communication networks, leading over 200 soldiers in providing communication facilities for division command posts and controlling Nuclear Release Authentication System (NRAS) materials. During her eight years in Europe, Hollen observed that a soldier's ability to perform and endure hardship in the field had nothing to do with that soldier's gender. After her service with the 3rd Infantry Division, Hollen obtained a graduate degree in Telecommunications at the University of Colorado to prepare for an assignment with the White House Communications Agency. Hollen received a "below-the-zone" promotion to the rank of Major in 1991. Hollen resigned her commission in 1992. Hollen now works as a decision analyst for an environmental consulting company.

Major General Jeanne Holm, USAF (Ret.)

General Holm spent 33 years in the armed forces, from 1942 until her retirement in 1975, rising from private to two-star general. General Holm's military service began during World War II. General Holm is best known for her service as the Director of Women in the Air Force (1965 to 1972) where she advocated expanded opportunities and utilization of military women and the elimination of gender based policies and attitudes.

In 1971 she was the first Air Force woman to be promoted to brigadier general and two years later became the first woman in the armed forces to be promoted to major general. General Holm's last assignment was as Director of the Air Force Personnel Council. Her military awards include two Meritorious Service Medals and Legion of Merit. After retiring from the military, General Holm served as the Special Assistant for Women to President Gerald Ford; during the Carter administration she was a member of the Defense Advisory Committee on Women in the Services (DACOWITS) and a consultant to the Under Secretary of the Air Force.

In 1983, General Holm was appointed to the newly created Veterans Administration Advisory Committee on Women Veterans and served as its Chairman from 1986 to 1988. General Holm is the author of *Women in the Military: An Unfinished Revolution*, first published in 1982. A revised up-dated edition was published in 1992.

Major Pat Walker Locke, USA (Ret.)

Major Locke graduated in the first class of women at the United States Military Academy at West Point in 1980. From her academy experience she emerged as a determined leader. Locke succeeded in the Army as an Air Defense Artillery Officer. She assumed positions of leadership and responsibility in a combat arms branch (Air Defense Artillery): platoon leader; battery executive officer; Chief of Air Defense Artillery Brigade Tactical Evaluations; Battery commander; Combat Arms Division Professional Development Officer at PERSCOM; Executive Officer to Chief of Air Defense Artillery; Battalion Operations officer and Battalion Executive Officer of a Patriot Air Defense Artillery Battalion. After a rewarding career, Locke retired from the Army just after she was selected for promotion for lieutenant colonel ahead of her contemporaries -- an honor granted to few officers. Locke attributes this military success to her West Point experience.

Danna Maller

Danna Maller graduated with the first class of women from the United States Military Academy at West Point in 1980. Upon graduation, she successfully completed the Air Defense Artillery Officer Basic Course and was the first female graduate of West Point to graduate from the Army Rotary Wing Flight School.

She served in the 7th Combat Aviation Battalion which supported the 7th Infantry Division at Ft. Ord, California from 1981-1985. She was the Headquarter's Company Executive Officer prior to taking command of the UH-1 platoon of the General Support Aviation Company as a First Lieutenant. Her responsibilities included the training and welfare of 11 UH-1 pilots, 11 UH-1 crew chiefs and the scheduling and maintenance of 11 UH-1 Helicopters.

Maller later served as the Battalion Training Officer where she was responsible for developing and operating the Battalion Skills Training Program. During this time, she attended the Army Master Fitness Trainer Course and graduated with Honors. As Battalion Aviation Operations Officer, she was responsible for coordinating the Battalion's Aviation support of the 7th Infantry Division. Maller resigned as a Captain in September, 1985.

Maller credits the training she received at West Point and in the Army as a great part of her success in business. She worked with one of her West Point classmates for four years which led to her current position as the Executive Vice President of Llama Asset Management Company.

Major Lillian A. Pfluke, USA (Ret.)

Major Pfluke was in the first class of women to graduate from West Point in 1980. She graduated number one in her class in physical education, and in the top third of her class overall while studying weapons systems engineering. She earned a varsity letter on the men's ski team for ski jumping, was a captain of the women's lacrosse team for two years, and played intercollegiate softball, basketball, and swimming. She

was commissioned into the Ordinance Corps with specialties in mechanical maintenance and research, development, and acquisition. Her assignments in Germany, Fort Lewis, Washington, and Washington, D.C. include running various maintenance facilities, commanding the heavy maintenance company in the Ninth Infantry Division, and acting as the Patriot System Coordinator in the Pentagon. She is a former National Military Triathalon Champion, two-time National Military Cycling champion, and two-time European Military Ski Champion. She is a military parachutist and has made almost 200 sport parachute jumps. Her military schooling includes the Jungle Operations Training Course, the Ordinance Officer Basic and Advanced Courses, the Combined Arms Service Staff School, the U.S. Army Command and General Staff College, the U.S. Marine Corps Command and Staff College, and the Defense Systems Management College. She has a Masters Degree in Mechanical Engineering from the George Washington University and is a licensed professional engineer. She is the author of *Breastfeeding and the Active Woman.*

Lieutenant Julie M. Roberts, SC, USNR

Lieutenant Roberts graduated from the United States Naval Academy in 1984 and served on active duty for five years. Roberts served at Naval Air Station Sigonella, Sicily as the Disbursing Officer and Assistant Officer-in-Charge of the Personnel Support Detachment. Supporting 3000 permanent service members during heightened readiness conditions in Europe, Roberts supervised 18 military and civilian employees and managed up to $7 million. Upon completion of the Navy School of Physical Distribution Management, she was a Transportation Officer at the Military Ocean Terminal Bay Area, a jointly staffed command. There, Roberts managed a container shipping operation, overseeing $20 million in civilian contracts and directly supervising 12.

After leaving the military, Roberts was a Regional Manufacturing and Distribution Manager in the beverage industry. Placed in a very demanding and all-male environment, she

succeeded largely on the lessons learned at the Naval Academy. Roberts earned an MBA from the Kellogg Graduate School of Management at Northwestern University. She has since worked with a leading management consulting firm.

Major Alison Ruttenberg, COANG

Major Alison Ruttenberg is currently a Judge Advocate in the Colorado Air National Guard, assigned to the 140th Fighter Wing at Buckley Air National Guard Base, Aurora, Colorado.

Attending UCLA with a four-year Air Force ROTC scholarship, she was one of the first five female Air Force ROTC cadets selected to be Titan II Intercontinental Ballistic Missile Launch officers upon commissioning. In 1980, Ruttenberg was selected as one of the first female Cadet Corps Commanders. She graduated as an Air Force ROTC Distinguished Graduate in 1981, was commissioned as Second Lieutenant and attended Titan II Intercontinental Ballistic Missile Launch officer training. In August 1981, she graduated as a Distinguished Graduate of the Missile Launch Officer Initial Qualification Course, and was assigned to the 390th Strategic Missile Wing at Davis-Monthon Air Force Base, Tucson, Arizona as a Titan II Deputy Combat Crew Commander. Transferring to the 308th Strategic Missile Wing at Little Rock Air Force Base, Arkansas, she was selected to be a Titan II Missile Combat Crew Commander while still a First Lieutenant.[1] Upon promotion to Captain in 1985, she became

[1] After 1980, all Titan II missile crews were mixed-gender, and Ruttenberg commanded both men and women. Missile Combat Crews have duty shifts (called "alerts") in the Titan II underground control capsule, at close-quarters, for periods ranging from 24 hours to 72 hours during exercises. The average Missile Combat Crew had eight or nine alerts per month. The crews shared one bathroom and one bunkroom. Therefore, Missile Combat Crew members spent an inordinate amount of time in close-quarters with each other.

There was no difference in readiness between mixed and all-male crews, and women were highly successful commanders, well able to withstand the stress and challenge of command in a combat ready atmos-

(Footnote continued)

one of the commanders of the Little Rock Air Force Base Alternate Command Post. As the Alternate Command Post Commander, Ruttenberg was a member of the 308th Strategic Missile Wing Alternate Battle Staff during exercises of the strategic nuclear forces. She resigned from active duty in September 1986 and became an officer in the Air Force Reserve Component.

While she was a Missile Combat Crew Commander, Ruttenberg attended the University of Arkansas Law School part-time, graduating with high honors in 1987. During Desert Storm, she returned to active duty and was the Air Force Liaison Officer to the Ambassador to the Dominican Republic. Ruttenberg returned to the Colorado National Guard in April, 1992, was promoted to Major in May, 1994, and is currently in private practice in Denver, Colorado.

Mary Rosinski Whitley

Mary Whitley graduated from the United States Military Academy at West Point in 1980 in the first graduating class that contained women. She was commissioned an Army Lieutenant and served eleven years of active military service. As a Lieutenant, Whitley was a Platoon Leader for 67 truck drivers in the 24th Infantry Division, Ft. Stewart, Georgia. As a Captain, she was a Company Commander for 180 truck drivers and mechanics in Mannheim, Germany and routinely worked 60 hour weeks to maintain the high state of personnel and equipment readiness required in NATO. The leadership and management skills she learned while a cadet were put into practice in these positions. While in Germany, she attended night school and earned a Master of Science in Systems Management from the University of Southern California. Reassigned from Germany to the Pentagon, she was the youngest officer on the Army staff for three years and one of very few

phere. For example, when the Strategic Air Command Inspector General inspected the 308th Strategic Missile Wing, Ruttenberg easily led her crew to an all "highly-qualified" rating in simulated combat drills ordered by the Inspector General.

women officers. After serving for one year as an intern, she was assigned to Ft. Belvoir as a computer systems analyst.

Whitley resigned her commission and joined the General Services Administration in 1991 as a computer systems analyst and program manager and subsequently became Director of one of the operating divisions, supervising thirty program managers.

Brigadier General Roger C. Bultman, USA (Ret.)

Brigadier General Bultman was commissioned in 1966 as a second lieutenant. In Vietnam, he served in combat as an infantry platoon leader with the 196th Light Separate Infantry Brigade, a company commander of an infantry company in the First Cavalry Division (Air Mobile), and an assistant battalion operations officer with the 199th Light Infantry Brigade and installation intelligence officer for the Military Assistance Command. Leaving active duty in 1970, he joined the Army Reserve and the 84th Division, serving in several capacities. In 1977, he was assigned to the Active Guard and Reserve Program at the Reserve Components Personnel Administration Center in St. Louis, serving in a variety of capacities including Director of the Enlisted Management Directorate.

In the 1980s, General Bultman had several assignments at the Pentagon, including service in the Office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, serving as Chief, Congressional Liaison and Programs in the Office of the Chief, Army Reserve, Executive Officer and Chief of Staff for the Chief, Army Reserve, and Commander, Army Reserve Support Center, Military District of Washington. In 1992, General Bultman transferred to the Retired Reserve.

General Bultman's awards and decorations include the Distinguished Service Medals, Legion of Merit (two awards), two Bronze Star Medals, two Meritorious Service Medals, Air Medal, two Army Commendation Medals, Vietnam Campaign Medal, and Vietnam Service Medal with eight campaign stars.

Dr. Margarethe Cammermeyer

Margarethe Cammermeyer enlisted in the Army student nurse program mid-way through college at the University of Maryland. She later volunteered for service in Vietnam. In 1968, after fourteen months as head nurse of a medical and later neurosurgical intensive care unit at an evacuation hospital in Vietnam, for which she was awarded the Bronze Star Medal, she returned to the United States. After the birth of her first child, she was forced to leave the military in 1968 because of a regulation that forbade women with dependents to remain in the military.

When that regulation was changed in 1972, she returned to the military in the Army Reserves, ultimately achieving the rank of Colonel in 1987. She completed the Nurse Corps Basic and Advance Course, the Command and General Staff Course and Combat Casualty Course. She also earned a Master of Arts in Nursing and PhD in Nursing Science from the University of Washington in 1991.

Since 1975 Dr. Cammermeyer has served as a neuroscience clinical nurse specialist in Veterans Affairs Medical Centers in Seattle, WA, San Francisco, CA, and Tacoma, WA. Her numerous awards and honors include "Woman of the Year" by the Woman's Army Corps Veterans, the Meritorious Service Medal, Nurse of the Year by the Veterans Affairs Department (1985), Honorary Human Rights Award by the American Nurses Association, and Humanitarian Award by the Privacy Fund. She was listed in Who's Who of Women (1993–1994) and was the 1995 Distinguished Alumna from the University of Washington School of Nursing. Colonel Cammermeyer is currently serving as Chief Nurse of the 164th MASH in the National Guard.

Captain (Sel.) Eileen L. O'Hickey, CHC, USN

Chaplain O'Hickey received her B.A. (*magna cum laude*, 1974) from the University of New Hampshire and was commissioned as lieutenant junior grade in the U.S. Navy in September 1978.

O'Hickey was featured in *Outstanding Young Women of America, 1982* and was selected "Military Woman of the Year" at Naval Air Station Norfolk (1983) and at Marine Corps Base Camp Pendleton (1987). She was awarded "Military Member of the Year" at Naval Submarine Base New London (1990). O'Hickey is currently the senior woman on active duty in the Navy Chaplain Corps. In 1996, she will be the first woman in the Navy Chaplain Corps promoted to captain.

Chaplain O'Hickey is currently serving as the Head, Ministry Policy Branch, Office of the Chief of Chaplains in Washington, D.C. Her awards include the Meritorious Service Medal, Navy Commendation Medal (three awards), National Defense Medal and the Overseas Service Ribbon.

Lieutenant Colonel Karen Johnson, USAF (Ret.)

Lieutenant Colonel Johnson received a direct commission as a military officer in the United States Air Force Nurse Corps in 1972. Her military education includes Officer Basic Military Training, Nursing Service Management Course, Squadron Officers School, and Air Command and Staff College.

During the Vietnam Conflict, Johnson served as one of only 14 military females on a base of over 3,000 military men in northern Thailand. Besides her nursing duties, she was the medical facility Equal Opportunity and Treatment Officer and served on the base Human Relations Council. From Thailand, Johnson went on to serve in military hospitals in Spain, Texas and Ohio. In 1980, Johnson was selected "Nurse of the Year" at the Air Force's largest medical center. Through Air Force sponsored education in 1984, Johnson earned a masters of science from Yale University.

Lieutenant Colonel Johnson retired in 1992 with awards and decorations that include the Air Force Commendation Medal, the Humanitarian Service Medal and two Meritorious Service Medals.

Major Jane McKeon, USA

Major McKeon graduated in 1980 from the United States Military Academy at West Point. McKeon has a master's degree in counseling and taught in the Department of Leadership and Behavioral Science at West Point for three years. She is currently stationed at Ft. Leavenworth, Texas.

Major Mary M. Finch, USA

Major Finch graduated from the United States Military Academy at West Point in 1983. Finch served as an Army aviator in Europe. Finch is Airborne and Air Assault qualified and has flown UH-1 and OH-58 helicopters. In 1991, Finch served on the Presidential Commission on the Assignment of Women in the Armed Forces. She is presently in the Army Acquisition Corps and is stationed at Ft. Belvoir, Virginia.

WANDAS

Women Active in our Nation's Defense, Their Advocates and Supporters ("WANDAS") is composed of two national groups. Founded in Denver in 1993, the WANDAS organizations are coalitions of civilian men and women who presently serve on active duty in the armed services, the reserve and the national guard. The Founders of WANDAS were concerned that women who presently serve in the military had no organized set of advocates outside the Department of Defense to assist and support them on important professional issues.

WANDAS Fund provides direct support services to its military members. It also provides volunteer lawyers to represent military women in court and on appeals from adverse personnel decisions. The litigation work focuses on those cases where the issues have broader impact than assistance to one individual.